IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

Crl.Rev.Pet.No. 2666 of 2007()

CMP.8232/2006 of JUDL.MAGISTRATE OF FIRST CLASS, KARUNAGAPPALLY

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REVN. PETITIONER: COMPLAINANT

ABDUL AZEEZ, S/O MUHAMMED KUNJU,
ABIDA MANZIL, PADA NORTH MURI,
KARUNAGAPPALLY VILLAGE, KARUNAGAPPALLY.

BY ADV. SRI.K.ABDUL JAWAD

RESPONDENTS: ACCUSED & STATE

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1. SURESH BABU, S/O KARUNAKARAN PILLAI,
KANJIRAMPARAMBU HOUSE, THALAYAR MURI,
KUTTOOR VILLAGE, THIRUVALLA.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY ADV. SRI.A.AHZAR
SRI.K.G.RENGANATH
SRI. C.M. NAZAR, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 06/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR , J

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CRL. R.P. NO. 2666 OF 2007

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Dated this the 6th day of November, 2007.

ORDER

The petitioner, who was the complainant in C.M.P. No. 8232/2006 on the file of Judicial First Class Magistrate Court, Karunagappally in a prosecution under Section 138 of the Negotiable Instruments Act involving a cheque for Rs.1,50,000/-, challenges the order dated 05.06.2007 passed by the Magistrate dismissing the application to condone the delay of 60 days in filing the complaint. It is true that the reason put forward in support of the delay that the complainant was away in Coimbatore in connection with his business during the period in question, was vague. But, it cannot certainly be said that the complainant has been grossly negligent in prosecuting his remedies. At any rate, the latches on his part can be compensated by putting him on terms. Accordingly, if the petitioner pays to the counsel for the 1st respondent a sum of Rs.1000/- by way of costs within one month from today, the impugned order will stand set aside and the delay in filing the complaint will stand condoned in which case the complaint will be liable to be proceeded with in accordance with law. If the costs as ordered above is not paid, this revision will stand dismissed.

Post after one month.

V. RAMKUMAR, JUDGE.

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